

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHRISTINE TUCKER,

Plaintiff,

v.

DAVE ELLIS and JANE DOE ELLIS, husband  
and wife and their marital community; and JOHN  
DOES I through X,

Defendants.

CASE NO. C06-399RSM

ORDER GRANTING MOTION TO  
DISMISS

This matter is before the Court upon a motion to dismiss filed by the “Doe” defendants. Dkt. # 17. Although these defendants have never been named or identified, the state attorney general has appeared on their behalf because they are state employees. Plaintiff does not object to dismissal of the “Doe” defendants, but objects to dismissal of the action itself. However, plaintiff fails to explain how this action can remain pending when there are no defendants remaining. Default was entered against defendant Ellis on May 10, 2006.<sup>1</sup> Dkt. # 10. With the dismissal of the “Doe” defendants, the action

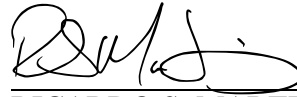
<sup>1</sup> Plaintiff never subsequently moved for entry of judgment of default against defendant Ellis.

ORDER GRANTING MOTION TO DISMISS -

1 itself must be dismissed.<sup>2</sup>

2 Accordingly, defendants' motion to dismiss is GRANTED, and this action is DISMISSED.

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4 Dated this 14th day of February, 2007.

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7 RICARDO S. MARTINEZ  
8 UNITED STATES DISTRICT JUDGE  
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25 <sup>2</sup> The Court note that after default was entered against defendant Ellis, plaintiff filed a parallel  
26 action in state court, naming the same defendants as are named here, together with the Washington State  
27 Department of Corrections. Dkt. # 18-3. The complaint arises from the same facts alleged here, and  
28 asserts similar, although not identical, causes of action.